

REMARKS

The allowance of claims 22-25 is acknowledged.

By the present amendment, claims 1-4, 6-8, 10-15, 17-21, 26 and 27 each stand rejected or objected to, have been amended to clarify features of the present invention, as discussed below.

As to the objection to claims 1-4, 6-18, 10-15, 17, 18 and 27, because they seem to try to invoke 35 USC 112, sixth paragraph, of means plus function; the rejection of claims 1, 6, 8, 12, 14, 17, 19, 20, 26 and 27 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; and the rejection of claims 1-4, 6-8, 10-15, 17, 26 and 27 under 35 USC 101, because the claimed invention is directed to non-statutory subject matter; such objections and rejections are traversed insofar as they are applicable to the present claims.

Turning first to the rejection under 35 USC 101, the Examiner refers to the guidelines which detail a procedure for determining patent eligible subject matter, and recognizes that as to the claims rejected under 35 USC 101, the claims which are drawn to a machine, a ultrasonic imaging system, represents claims which fall within one of the enumerated categories. However, the Examiner contends that all of the claims mentioned clearly includes one of the judicial exceptions in that “transmitting signals”, “obtaining”, “calculating”, “extracting”, etc. are nothing more than abstract ideas. Contrary to the Examiner’s position, transmitting a signal in the form of an ultrasonic wave to an object and receiving a signal in a form of a reflected of the ultrasonic wave returned from the object, as now recited in the claims of this application, as illustrated in Fig. 3 of the drawings of this application, represents the utilization of physical phenomena, and is not “abstract ideas” as contended by the

Examiner. Furthermore, Applicants submit that discrimination and detection of a phase aberration of the receive signal from a phase shift of the receive signal, as disclosed and claimed in this application, also represents operation on a physical object in terms of an electrical signal which is converted from the receive reflected ultrasonic wave, and is not an abstract idea, as suggested by the Examiner.

Additionally, obtaining an acoustic impedance of the object in the manner recited in the claims of this application also represents operation on a physical phenomena, and again, contrary to the position set forth by the Examiner, is not an abstract idea. By the present amendment, the claims have been amended to clarify the features of the present invention, by utilizing means for or similar language as sanctioned by the sixth paragraph of 35 USC 112, and the claims both in terms of the system and method recite features which are in compliance with 35 USC 112, second paragraph and sixth paragraph, and overcome the objections thereto. Accordingly, Applicants submit that all claims present in this application are in compliance with 35 USC 101 and 35 USC 112, and such claims, as amended should now be in condition for allowance.

In view of the above amendments and remarks, Applicants submit that in addition to allowed claims 22-25, the other claims of this application are in compliance with 35 USC 112 and 35 USC 101, and should be considered allowable. Accordingly, issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing

of this paper, including extension of time fees, to the deposit account of Antonelli,
Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case No. 520.42936X00),
and please credit any excess fees to such deposit account.

Respectfully submitted,

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